



PTO/SB/21 (08-03)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/664,658
	Filing Date	18 September 2003
	First Named Inventor	GELVIN, Stanton B.
	Art Unit	1638
	Examiner Name	not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	3220/94790

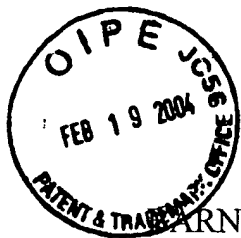
ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Alice O. Martin
Signature	<i>Alice O. Martin</i>
Date	Feb. 13, 2004

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EARNES & THORNBURG

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(312) 357-1313

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art  
Unit: 1638  
  
Application No.: 10/664,658  
  
Filing Date: 18 September 2003  
  
First Named  
Inventor: GELVIN, Stanton B.  
  
Title: METHODS AND COMPOSITIONS  
FOR ENHANCED PLANT CELL  
TRANSFORMATION  
  
Attorney  
Docket No.: 3220-94790  
  
Examiner  
Name: not yet assigned

Certificate Under 37 CFR 1.8(a)

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*Feb 16, 2004*  
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Alice O. Martin

**INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
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Alexandria, VA 22313-1450

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R.  
§1.97(b). No representation is intended that a complete search has been made of the prior  
art, or that no better publications than listed on Forms PTO-1449 are available. A copy  
of each publication cited is not provided herewith for review by the Examiner as they  
were previously submitted to the United States Patent and Trademark Office for U.S. Ser.  
No. 09/661,960 on March 2, 2001, May 4, 2001 and April 9, 2003 and for U.S. Ser. No.



Ser. No.: 10/664,658

*Attorney Docket No. 3220-94790*

10/098,161 on September 19, 2002, and relied upon for the above Continuation-In-Part application. If needed, the applicant's agent will gladly provide copies of these publications.

The filing of this Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

None of the cited publications are believed to disclose or suggest the invention recited in the claims of the above-identified application or the priority date of the application is before the publication date. It is therefore believed that the claimed invention is patentably distinguishable over these publications.

No other fees are believed due at this time, however, please charge any deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (3220-94790).

Respectfully submitted,

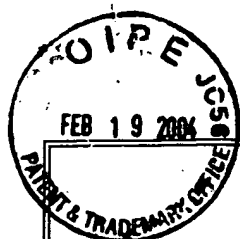
Dated: 2/16/04

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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. 3220-  
3220-94790

Serial No. 10/664,658

INFORMATION DISCLOSURE STATEMENT

APPLICANT GELVIN, Stanton B.

FILING DATE 09/18/03

GROUP 1638

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA						
	AB						
	AC						

FOREIGN PATENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						

INTERNATIONAL SEARCH REPORT

	AM						
	AN						
	AO						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AP	BALLAS, N. and CITOVSKY, V. (1997) "Nuclear Localization Signal Binding Protein from <i>Arabidopsis</i> Mediates Nuclear Import of <i>Agrobacterium</i> VirD2 Protein." <i>Proc Natl Acad Sci USA</i> 94: 10723-10728.
	AQ	BRITT, A.B. (1996) "DNA Damage and Repair in Plants." <i>Annu Rev Plant Physiol Plant Mol Biol</i> 47: 75-100.
	AR	DENG, W., <i>et al.</i> (1998) " <i>Agrobacterium</i> VirD2 Protein Interacts with Plant Host Cyclophilins." <i>Proc Natl Acad Sci USA</i> 95: 7040-7045.
	AS	DITTA, G., <i>et al.</i> (1980) "Broad host Range DNA Cloning System for Gram-Negative Bacteria: Construction of a Gene Bank of <i>Rhizobium Meliloti</i> ." <i>Proc Natl Acad Sci USA</i> 77(12): 7347-7351.
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	AV	KONCZ, C. and SCHELL, J. (1986) "The Promoter of T <sub>1</sub> -DNA Gene 5 Controls the Tissue-Specific Expression of Chimeric Genes Carried by a Novel Type of <i>Agrobacterium</i> Binary Vector." <i>Mol Gen Genet</i> 204: 383-396.
	AW	LICHTENSTEIN, G. and DRAPER, J. (1986) "Genetic of Engineering Plants." In Glover, D.M. (ed.) <i>DNA Cloning: A Practical Approach</i> 2: 67-119 (IRL Press, Oxford)
	AX	MATSUMOTO, S., <i>et al.</i> (1990) "Integration of <i>Agrobacterium</i> T-DNA into a Tobacco Chromosome: Possible Involvement of DNA Homology between T-DNA and Plant DNA." <i>Mol Gen Genet</i> 224: 309-316.
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	AZ	NAM, J., <i>et al.</i> (1997) "Differences in Susceptibility of <i>Arabidopsis</i> Ecotypes to Crown Gall Disease May Result from a Deficiency in T-DNA Integration." <i>Plant Cell</i> 9: 317-333.
	BA	NAM, J., <i>et al.</i> (1999) "Identification of T-DNA Tagged <i>Arabidopsis</i> Mutants that are Resistant to Transformation by <i>Agrobacterium</i> ." <i>Mol Gen Genet</i> 261: 429-438.
	BB	NARASIMHULU, S.B., <i>et al.</i> (1996) "Early Transcription of <i>Agrobacterium</i> T-DNA Genes in Tobacco and Maize." <i>Plant Cell</i> 8: 873-886.
	BC	NI, M., <i>et al.</i> (1995) "Strength and Tissue Specificity of Chimeric Promoters Derived from the Octopine and Mannopine Synthase Genes." <i>Plant J</i> 7(4): 661-676.

BD	OFFRINGA, R., <i>et al.</i> (1990) "Extrachromosomal Homologous Recombination and Gene Targeting in Plant Cells after <i>Agrobacterium</i> Mediated Transformation." <i>EMBO J</i> 9(10): 3077-3084.	
BE	OHBA, T., <i>et al.</i> (1995) "DNA Rearrangement Associated with the Integration of T-DNA in Tobacco: An Example for Multiple Duplications of DNA Around the Integration Target." <i>Plant J</i> 7(1): 157-164.	
BF	PASZKOWSKI, J., <i>et al.</i> (1988) "Gene Targeting in Plants." <i>EMBO J</i> 7(13): 4021-4026.	
BG	SAMBROOK, M.A., <i>et al.</i> (1982) in <i>Molecular Cloning: A Laboratory Manual</i> . 1 <sup>st</sup> ed. Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York, pgs. 150-172; 312-328, 365-381 and 383-389.	
BH	SHENG, J. and CITOVSKEY, V. (1996) "Agrobacterium-Plant Cell DNA Transport: Have Virulence Proteins, Will Travel." <i>Plant Cell</i> 8: 1699-1710.	
BI	ZUPAN, J. and ZAMBRYSKI, P. (1997) "The <i>Agrobacterium</i> DNA Transfer Complex." <i>Critical Reviews in Plant Sciences</i> 16(3): 279-295.	
Examiner		Date Considered
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

BASED ON FORM PTO 1449

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 3220/94790	SERIAL No. 10/664,658
	APPLICANT GELVIN, Stanton B.	
	FILING DATE 09/18/03	GROUP 1638

U.S. PATENT DOCUMENTS							
*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA						
	AB						
	AC						

FOREIGN PATENTS							
		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AD	DE 43 09 203 C1	Mar. 22, 1993	Germany			
	AE	WO 97/12046	Apr. 03, 1997	Int'l.			
	AF	WO 99/61619	Dec. 02, 1999	Int'l.			
	AG	WO 00/17364	Mar. 30, 2000	Int'l.			
	AH	EP 1 033 405 A2	Sep. 06, 2000	Europe			

INTERNATIONAL SEARCH REPORT							
	AM	PCT/US00/25260	Apr. 20, 2001				
	AN						
	AO						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)		
	AP	CITOVSKY, V., <i>et al.</i> (1992) "Nuclear Localization of Agrobacterium VirE2 Protein in Plant Cells." <i>Science</i> 256: 1802-1805.
	AQ	HYE HUH, G.H., <i>et al.</i> (1997) "Structural Characteristics of Two Wheat Histone H2A Genes Encoding Distinct Types of Variants and Functional Differences in their Promoter Activity." <i>Plant Molecular Biology</i> 33: 791-802.
	AR	MYSORE, K.S., <i>et al.</i> (1998) "An <i>Arabidopsis</i> histone H2A mutant is deficient in <i>Agrobacterium</i> T-DNA integration." <i>PNAS</i> 97(2): 948-953.
	AS	NAKAMURA, Y., <i>et al.</i> (1998) "Structural Analysis of Arabidopsis Thaliana Chromosome." <i>Database EMBL (Online): Accession No: AB016878</i> .
	AT	NAM, J., <i>et al.</i> (1999) "Identification of T-DNA Tagged <i>Arabidopsis</i> Mutants that are Resistant to Transformation by <i>Agrobacterium</i> ." <i>Mol Gen Genet</i> 261: 429-438.
	AU	PRYMAKOWSKA-BOSAK, M., <i>et al.</i> (1996) "Histone H1 Overexpressed to High Level in Tobacco Affects Certain Developmental Programs but has Limited Effect on Basal Cellular Functions." <i>Proc. Natl. Acad. Sci. USA</i> 93: 10250-10255.
	AV	REGENSBURG-TUJNĲ, A.J.G., <i>et al.</i> (1993) "Transgenic N. <i>Glaucia</i> Plants Expressing Bacterial Virulence Gene <i>virF</i> are Converted into Hosts for Nopaline Strains of A. <i>Tumefaciens</i> ." <i>Nature</i> 363: 69-71.

Examiner	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

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FORM PTO/SB/08A  
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U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Complete if Known

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Sheet 4 of 7

Application Number

10/664,658

Filing Date

09/18/03

First Named Inventor

GELVIN, Stanton B.

Group Art Unit

1638

Examiner Name

not yet assigned

Attorney Docket Number

3220/94790

A

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials\*

Cite  
No.<sup>1</sup>

Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

T<sup>2</sup>

A.1

Bent, Andrew F. and Clough, Steven J. (1998) "Agrobacterium Germ-Line Transformation: Transformation of Arabidopsis without Tissue Culture" *Plant Molecular Biology Manual* B7:1-14.

A.2

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EXAMINER

DATE CONSIDERED

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FORM PTO/SB/08A  
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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Sheet 5 of 7

Complete if Known

Application Number:	10/664,658
Filing Date:	09/18/03
First Named Inventor:	GELVIN, Stanton B.
Group Art Unit	1638
Examiner Name	not yet assigned
Attorney Docket Number:	3220/94790

A

## INTERNATIONAL SEARCH REPORT

*Examiner Initials	Cite No. 1	Document Number	Publication Date MM-DD-YYYY		
	A.1	PCT/US00/25260	Apr. 20, 2001		
	A.2				
	A.3				
	A.4				
	A.5				
	A.6				
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	A.8				
	A.9				
	A.10				
	A.11				
	A.12				
	A.13				
	A.14				

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Country	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	A.15	DE 43 09 203 C1	Mar. 22, 1993	Germany		
	A.16	WO 97/12046	Apr. 03, 1997	Int'l.		
	A.17	WO 99/61619	Dec. 02, 1999	Int'l.		
	A.18	WO 00/17364	Mar. 30, 2000	Int'l.		
	A.19	EP 1 033 405 A2	Sep. 06, 2000	Europe		

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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FORM PTO/SB/08A (REV. 10-96)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Complete if Known	
Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		Application Number	10/664,658
		Filing Date	09/18/03
		First Named Inventor	GELVIN, Stanton B.
		Group Art Unit	1638
		Examiner Name	not yet assigned
Sheet <u>6</u> of <u>7</u>		Attorney Docket Number	3220/94790

A	OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>		T <sup>2</sup>
	A.1	BALLAS, N. and CITOVSKY, V. (1997) "Nuclear Localization Signal Binding Protein from <i>Arabidopsis</i> Mediates Nuclear Import of <i>Agrobacterium</i> VirD2 Protein." <i>Proc Natl Acad Sci USA</i> 94:10723-10728.	
	A.2	BENT, A.F. and CLOUGH, S.J. (1998) "Agrobacterium Germ-Line Transformation: Transformation of <i>Arabidopsis</i> without Tissue Culture." <i>Plant Molecular Biology Manual</i> B7, 1-14.	
	A.3	BRITT, A.B. (1996) "DNA Damage and Repair in Plants." <i>Annu Rev Plant Physiol Plant Mol Biol</i> 47: 75-100.	
	A.4	CITOVSKY, V., et al. (1992) "Nuclear Localization of Agrobacterium VirE2 Protein in Plant Cells." <i>Science</i> 256:1802-1805.	
	A.5	DENG, W., et al. (1998) "Agrobacterium VirD2 Protein Interacts with Plant Host Cyclophilins." <i>Proc Natl Acad Sci USA</i> 95:7040-7045.	
	A.6	DITTA, G., et al. (1980) "Broad host Range DNA Cloning System for Gram-Negative Bacteria: Construction of a Gene Bank of <i>Rhizobium Meliloti</i> ." <i>Proc Natl Acad Sci USA</i> 77(12):7347-7351.	
	A.7	GHEYSEN, G., et al. (1991) "Illegitimate Recombination in Plants: A Model for T-DNA Integration." <i>Genes &amp; Development</i> 5:287-297.	
	A.8	HYE HUH, G.H., et al. (1997) "Structural Characteristics of Two Wheat Histone H2A Genes Encoding Distinct Types of Variants and Functional Differences in their Promoter Activity." <i>Plant Molecular Biology</i> 33:791-802.	
	A.9	JEFFERSON, R.A., et al. (1987) "GUS Fusions: $\beta$ -Glucuronidase as a Sensitive and Versatile Gene Fusion Marker in Higher Plants." <i>EMBO J</i> 6(13):3901-3907.	
	A.10	KONCZ, C. and SCHELL, J. (1986) "The Promoter of T <sub>1</sub> -DNA Gene 5 Controls the Tissue-Specific Expression of Chimeric Genes Carried by a Novel Type of Agrobacterium Binary Vector." <i>Mol Gen Genet</i> 204:383-396.	
	A.11	LICHTENSTEIN, G., and DRAPER, J. (1986) "Genetic of Engineering Plants." In Glover, D.M. (ed.) <i>DNA CLONING: A Practical Approach</i> 2:67-119 (IRL Press, Oxford).	
	A.12	MATSUMOTO, S., et al. (1990) "Integration of Agrobacterium T-DNA into a Tobacco Chromosome: Possible Involvement of DNA Homology between T-DNA and Plant DNA." <i>Mol Gen Genet</i> 224:309-316.	
	A.13	MYSORE, K.S., et al. (1998) "An <i>Arabidopsis</i> histone H2A mutant is deficient in Agrobacterium T-DNA integration." <i>PNAS</i> 97(2):948-953.	
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	A.15	NAKAMURA, Y., et al. (1998) "Structural Analysis of Arabidopsis Thaliana Chromosome." <i>Database EMBL (Online): Accession No; ABO16878</i> .	

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	A.18	NARASIMHULU, S.B., <i>et al.</i> (1996) "Early Transcription of <i>Agrobacterium</i> T-DNA Genes in Tobacco and Maize." <i>Plant Cell</i> 8:873-886.	
	A.19	NI, M., <i>et al.</i> (1995) "Strength and Tissue Specificity of Chimeric Promoters Derived from the Octopine and Mannopine Synthase Genes." <i>Plant J</i> 7(4):661-676.	
	A.20	OFFRINGA, R., <i>et al.</i> (1990) "Extrachromosomal Homologous Recombination and Gene Targeting in Plant Cells after <i>Agrobacterium</i> Mediated Transformation." <i>EMBO J</i> 9(10):3077-3084.	
	A.21	OHBA, T., <i>et al.</i> (1995) "DNA Rearrangement Associated with the Integration of T-DNA in Tobacco: An Example for Multiple Duplications of DNA Around the Integration Target." <i>Plant J</i> 7(1):157-164.	
	A.22	PASZKOWSKI, J., <i>et al.</i> (1988) "Gene Targeting in Plants." <i>EMBO J</i> 7(13):4021-4026.	
	A.23	PRYMAKOWSKA-BOSAK, M., <i>et al.</i> (1996) "Histone H1 Overexpressed to High Level in Tobacco Affects Certain Developmental Programs but has Limited Effect on Basal Cellular Functions." <i>proc. Natl. Acad. Sci. USA</i> 93:10250-10255.	
	A.24	REGENSBURG-TUINK, A.J.G., <i>et al.</i> (1993) "Transgenic <i>N. glauca</i> Plants Expressing Bacterial Virulence Gene <i>virF</i> are Converted into Hosts for Nopaline Strains of <i>A. tumefaciens</i> ." <i>Nature</i> 363:69-71.	
	A.25	SAMBROOK, M.A., <i>et al.</i> (1982) in <i>Molecular Cloning: A Laboratory Manual</i> , 1 <sup>st</sup> ed. Cold Spring Harbor Laboratory Press, Cold Spring Harbor, New York, pgs. 150-172; 312-328; 365-381; and 383-389.	
	A.26	SHENG, J. and CITOVSKEY, V. (1996) "Agrobacterium-Plant Cell DNA Transport: Have Virulence Proteins, Will Travel." <i>Plant Cell</i> 8:1699-1710.	
	A.27	ZUPAN, J. ZAMBRYSKI, P. (1997) "The <i>Agrobacterium</i> DNA Transfer Complex." <i>Critical Reviews in Plant Sciences</i> 16(3):279-295.	

EXAMINER		DATE CONSIDERED	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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